

REMARKS

This is a response to an *Advisory Action Before the Filing of an Appeal Brief* mailed August 16, 2007. The *Advisory Action* was mailed in reply to a Response mailed August 2, 2007 to a Final Office Action mailed March 2, 2007. In the *Advisory Action* the Examiner noted that “the amendments to the claims raises various 112 issues through the claims”, e.g., that claim 1 was indefinite as to whether the signal is the same as the signal in claim 7, and that indefinite language asserted by the Examiner of claim 11, made it difficult to determine whether “the first, second, third, and fourth components are the same as the identically named components in independent claim 12.” The Applicant conveys appreciation to the Examiner for promptly replying with the *Advisory Action* to allow Applicant sufficient time to make amendments in this response.

To comport with Examiner’s request “to fix all indefinite and conflicting language in the claims”, the amended claims provided in this response are believed by the Applicant to meet 35 U.S.C. § 112 requirements.

In this Response claims 1-4, 8, 9, 10, 11, and 14, have been amended to be responsive to the *Advisory Action* and the preceding *Final Office Action*. No claims have been added. Claims 5, 6, 13 and 16-19 have been canceled. Claims 1-4, 7-12 and 14-15 remain pending. No new matter has been added to the application.

Pursuant to 37 C.F.R. § 1.111, Applicants respectfully request reconsideration of the application.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner for allowing claims 7, 12 and 15.

REJECTION OF CLAIMS 1-3, 8-10 AND 16-19 UNDER 35 U.S.C. § 102

The Examiner rejected claims 1-3, 8-10, 13 and 16-19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,764,644 to Miska et al. (Miska). Claims 13 and 16-19 have been canceled. For each of the remaining rejected claims, they have each been amended to include limitations other than those taught by Miska in that Miska teaches that transmissions are made recognizable for recipients by re-encoding transmissions at different transmission rates (see Abstract of Miska, lines 16-22). Human users cannot always understand sent transmissions based upon adjusting transmission rates taught by Miska.

With regards to claims 1-3, amended claim 1 now claims a method that comprises “preprocessing a received signal to determine a transmission destination address for the received signal and to establish *whether the transmission destination address is capable of receiving a human expressed* phonation delivered to a user input unit” and “determining a signal path and a processing algorithm from a plurality of signal processing algorithms *including speech recognition algorithms* based on the transmission destination.” (emphasis added)

Miska does not teach nor describe whether a transmission destination address is cable of receiving human expressed phonations and the use of speech recognition algorithms. As such, independent claim 1 is allowable and dependent claims 2 and 3 are now allowable by virtue of their dependency.

For reasons discussed above, claims 8-10 are now allowable.

REJECTION OF CLAIMS 4-6, 11 AND 14 UNDER 35 U.S.C. § 102

The Examiner rejected claims 4-6, 11 and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,855,003 to Ladden. Claims 5 and 4 have been cancelled.

Ladden discusses the use of automatic speech recognition implemented in servers, not in user input units described by the Applicant in Figures 3-5 and descriptions thereto.

Claim 4 is now amended to claim a method comprising “preprocessing a received signal to determine a transmission destination address and whether the transmission destination address is capable of implementing automatic speech recognition algorithms”, “processing the inputted phonation using speech recognition algorithms_at the user input unit when the transmission destination address is determined capable of implementing automatic speech recognition algorithms” and with “algorithms other than speech recognition at the user input device when the destination address is determined not capable of implementing automatic speech recognition algorithms.” (emphasis added).

Ladden does not teach nor describe user input units capable of performing speech recognition and non-speech recognition algorithms depending on determining whether destination addresses are capable of implementing or not implementing speech recognition algorithms.

Accordingly, Applicant respectfully posits that amended claim 4 is now allowable over Ladden.

Similarly, amended claims 11 and 14 are now allowable over Ladden for the same reasoning posited for amended claim 4.

REJECTION OF CLAIMS 3 AND 10 UNDER 35 U.S.C. § 103

The Examiner rejected claims 3 and 10 under 35 U.S.C. § 103 as being unpatentable over Miska in view of U.S. Patent Publication No. 2001/0033643 to Mulvey et al. Each of the rejected claims has been amended to overcome Miska and neither Mulvey nor Miska teach nor suggest the combination of that now being claimed in amended claims 3 and 10.

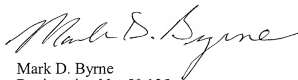
Accordingly, Applicant respectfully posits that amended claims 3 and 10 are now allowable over the combination of Miska and Mulvey .

CONCLUSION

For the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-15 and allowance of the pending claims. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to call the undersigned.

Respectfully submitted,

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